

Speaker: Roles and Responsibility: RSTV – In Depth

What's in the news?

- Members of the 17th Lok Sabha have taken oath.
- The House will now elect its Speaker on 19th June, 2019.
- The NDA has named two-time BJP MP Om Birla as its nominee for the post.
- Birla, who won from the Kota-Bundi parliamentary seat in Rajasthan, will easily become the speaker as the National Democratic Alliance has a clear majority in the lower house.
- This edition of 'In Depth' will look at the election process, role and responsibilities of the Speaker. It will also look at the powers vested in the Lok Sabha speaker, who is the highest authority in the House and also the custodian of the Parliament building.

Analysis:

- If elected, Om Birla will succeed 8 time MP, Sumitra Mahajan, as the presiding officer of the Lok Sabha. Birla's name was proposed by Prime Minister Narendra Modi, and seconded by Home Minister Amit Shah, and Defence Minister, Rajnath Singh. The BJP has given a notice to the Lok Sabha secretariat, proposing Birla for the post and bringing a motion for his election.
- The resolution to support Birla's candidature was passed by the Biju Janata Dal (BJD), and was supported by NDA allies, including the National People's Party, Shiv Sena, Mizo National Front, Lok Jan Shakti Party, YSRCP, JDU, AIADMK, and Apna Dal.
- The elections for the post is scheduled for June, 19th, 2019.

Note on Om Birla:

- Om Birla has been an MLA in Rajasthan thrice and an MP twice. Birla is a commerce post graduate, educated at the Government Commerce College, Kota.
- His political career started with student's politics. He was the President of the Student's Union in 1979.
- Birla won his first assembly election from Kota South in 2003. He was elected twice more in 2008 and 2013. He has also served as a Minister of State (MoS) in the Vasundhara Raje Government.
- Birla is a quintessential party worker and quite active in the BJP's youth wing, the Bhartiya Janta Yuva Morcha.
- He is also associated with the cooperative movement in Rajasthan and helped launch the Super Bazaar scheme, while serving as the Vice Chairman of the **National Cooperative Consumer Association Limited**.
- In the Lok Sabha, both the speaker and the deputy speaker are elected from among its members by a simple majority of members present and voting in the house. Therefore, no specific qualifications are prescribed for elected as the spear of the house.
- The Constitution of India only requires that **the Speaker should be a member of the house**.
- In fact, one of the first Acts of a newly constituted house, is to elect the speaker of the house.
- The Speaker is the Chairman, or the Presiding officer of the Lok Sabha. The House elects its presiding officer and a deputy speaker by a simple majority of members.
- The Constitution states that the Speaker must be a member of the house.
- An understanding of the Constitution, and the conventions of the Parliament is considered a major asset for the holder of the office of the Speaker.
- The Election of the Speaker is one of the first acts that a newly elected House undertakes.
- Usually, a member belonging to the ruling party is elected as the Speaker.
- The process has evolved over the years where the ruling party nominates its candidates after informal consultations with leaders of other parties and groups in the House. This convention ensures that once elected, the Speaker enjoys respect of all sections of the House.

- Once a decision on the candidate is taken, the name is normally proposed by the Prime Minister or the Minister of Parliamentary Affairs.
- There are also instances when members not belonging to the ruling party were elected to the office of the Speaker.
- GMC Balayogi and Manohar Joshi belonging to the TDP and the Shiv Sena respectively, served as the speaker in the 12th and the 13th Lok Sabha respectively during the NDA coalition headed by the BJP.
- Left Party leader Somnath Chatterjee was named Speaker during the 14th Lok Sabha, headed by Dr. Manmohan Singh who was leading the UPA coalition.
- It is important to note that **when the Lok Sabha is dissolved, the Speaker remains in his office, till the first meeting of the new assembly when the new Speaker is elected.**
- The Speaker's term is the same as that of the Lok Sabha (which is a period of 5 years). However, the Constitution of India has given the lower house the authority to remove the Speaker, if needed.

Removal of the Speaker:

- The House can remove the Speaker through a resolution passed by an effective majority which means more than 50% of the total strength needs to vote for removing the Speaker. This is done as per Articles 94 and 96.
- The Speaker can also be removed on getting disqualified from being a Lok Sabha member under sections 7 and 8 of the Representation of the People Act, 1951.
- A Speaker can also tender his resignation to the Deputy Speaker.
- Dr. Neelam Sanjiva Reddy is the only Speaker to have resigned from office.
- Dr. Neelam Sanjiva Reddy also has the distinction of having been a Speaker who was later elected as the President of India.
- Since the Indian system of government follows the Westminster model, the Parliamentary proceedings of the country are headed by a presiding officer who is called the Speaker.
- The Lok Sabha which is the highest legislative body in the country, chooses its Speaker who presides over the day to day functioning of the House.

A Few Notable Points:

How is the schedule for first session decided?

- The 17th Lok Sabha will commence its first session in the first week of June, 2019. The exact date of commencement of the first session and the schedule of key events in the session, including the date of President's address, is decided by the Cabinet Committee on Parliamentary Affairs. This Committee will be set up after the swearing in of the Council of Ministers. The previous Lok Sabha had commenced on June 4, 2014 and its first session had six sitting days (June 4, 2014 to June 11, 2014).

Who presides over the first session?

- Every proceeding of the House is presided by a Speaker.
- The Office of the Speaker becomes vacant immediately before the first meeting of a new Lok Sabha. **Therefore, a temporary speaker, known as the pro-tem Speaker, is chosen from among the newly elected MPs.** The pro-tem Speaker administers oath/affirmation to the newly elected members, and also presides over the sitting in which the new Speaker is elected.
- The office of the pro-tem Speaker ceases to exist when the new Speaker is elected.

How is the pro-tem speaker chosen?

- Once the new government is elected, a list containing the names of the senior-most members of the

House is prepared. The seniority is decided by total tenure as a member of either Lok Sabha or Rajya Sabha. The Prime Minister then identifies a Member from the list who acts as the Speaker pro-tem. Three other members are also identified before whom other members may take oath/affirmation.

How is the new Speaker chosen?

- Any member may give notice of a motion that another Member be chosen as the Speaker of the House. The motions are then moved and voted upon. After the results are announced, the Speaker-elect is felicitated by leaders of all political parties, including the Prime Minister and Leader of the Opposition. From then, the new Speaker takes over the proceedings of the House.
- An understanding of the Constitution, the Rules of Procedure, and conventions of Parliament is considered a major asset for the Speaker. While this might indicate that a Speaker be one of the senior-most members of the House, this has not always been the norm. There have been occasions in the past where the Speaker of the House was a first-time MP. For instance, Mr. K.S. Hegde, the Speaker of the sixth Lok Sabha and Mr. Bal Ram Jakhar, the Speaker of the seventh Lok Sabha were both first time MPs

What is the role of the Speaker in the House?

- While members of Parliament represent individual constituencies, the Speaker represents the whole authority of the House itself.
- He or she symbolizes the dignity and power of the House over which he or she is presiding. Therefore, it is expected that the holder of this office, acts as a true guardian of the traditions of Parliamentary democracy.
- According to the Constitution of India, a Speaker is vested with immense administrative and discretionary powers. These include: Presiding over the meetings of the House (In other words, the Speaker conducts the business of the house by ensuring discipline and decorum among the members).
- He/she guards the rights and privileges of the members of the two Houses (deciding who should speak at what time; the questions to be asked; the order of proceedings to be followed, among others).
- A Speaker uses his/her power to vote in order to resolve a deadlock, i.e. when a House initiates a voting procedure, the Speaker doesn't cast a vote in the first instance. It is only when the two sides receive an equal number of votes, that the Speaker's vote breaks the deadlock, making his/her position impartial.
- In the absence of a quorum in the House, it is the duty of the Speaker to adjourn the House or to suspend any meeting until the quorum is met. The Speaker decides the agenda that must be discussed in a meeting of the MPs.
- The Speaker is invested with immense powers to interpret the Rules of Procedure, i.e. since he/she is a member of the House, as well as the Presiding Officer, he/she ensures the discipline of the House.
- The Speaker ensures that MPs are punished for unruly behaviour.
- A Speaker can also disqualify a member of Parliament from the House on the grounds of defection. He/she also permits various Parliamentary procedures, like the motion of adjournment, the motion of no confidence, and the motion of censure among others. The Speaker presides over the joint sitting of the two Houses of Parliament. Once a money bill is transmitted from the lower House to the upper House, the Speaker is solely responsible for endorsing his/her certificate on the Bill. In other words, **he/she is given the pivotal power to decide whether any bill is a Money Bill. This decision is considered final.**
- The Speaker has under his/her jurisdiction, a number of Parliamentary Committees such as the Rules Committee, the Business Advisory Committee and the General Purposes Committee.
- The Speaker nominates the various Chairmen of these committees and also looks into the procedural hindrances of the workings of these Committees.

- The Speaker is central to the functioning of the legislature. The proceedings of the House are guided by the Rules of Procedure and the final authority for the interpretation and implementation of these rules rests with the Speaker. The Speaker is responsible for regulating the discussion in the House and maintaining order in the House. For instance, it is the Speaker's discretion on whether to allow a member to raise a matter of public importance in the House. The Speaker can suspend a sitting member for obstructing the business of the House, or adjourn the House in case of major disorder.
- The Speaker is also the chair of the Business Advisory Committee, which is responsible for deciding the business of the House and allocating time for the same. The Speaker also chairs the General Purposes Committee and the Rules Committee of the Lok Sabha and appoints the chairpersons of other committees amongst the members. In the past, Speakers have also been instrumental in strengthening the Committee system. Mr. Shivraj Patil, the Speaker of the 10th Lok Sabha, played a key role in the initiation of 17 Departmental Standing Committees, therefore strengthening Parliament's control over the functioning of different ministries of the government.
- Since the Speaker represents the entire House, the office of the Speaker is vested with impartiality and independence. The Constitution and the Rules of Procedure have prescribed guidelines for the Speaker's office to ensure such impartiality and independence. Dr. N. Sanjiva Reddy, the Speaker of the fourth Lok Sabha, formally resigned from his political party as he was of the opinion that the Speaker belongs to the whole House and should therefore remain impartial. As per Article 100 of the Constitution, the Speaker does not exercise vote on any matter being voted upon, in the first instance. However, in case there's a tie during the voting, the Speaker exercises her vote.